
SIDNEY SHAINWALD
PUBLIC INTEREST LECTURE

New York Law School
April 6, 2010

HON. JUSTICE SANDRA DAY O'CONNOR (RET.)
UNITED STATES SUPREME COURT

PROGRAM

RICHARD A. MATASAR

Dean and President

Welcome

SYBIL SHAINWALD, ESQ.

Introductory Remarks

KENNETH R. FEINBERG, ESQ.

Introduction

HON. JUSTICE SANDRA DAY O’CONNOR (RET.)

UNITED STATES SUPREME COURT

Keynote Speaker

For Sybil Shainwald, endowing the Sidney Shainwald Public Interest Lecture Series is a meaningful way to pay homage to the extraordinary life and career of her husband. For New York Law School, it is an opportunity to further Sidney’s efforts and to honor a man who was invaluable in both his life and work.

SIDNEY SHAINWALD PUBLIC INTEREST LECTURERS
(2004 TO PRESENT)

April 22, 2004

Kenneth R. Feinberg, Esq.

Special Master, September 11th Victim Compensation Fund
The Feinberg Group, LLP

June 1, 2005

Senator Edward M. Kennedy

Senior Senator from Massachusetts

May 2, 2006

The Honorable Stephen G. Breyer

Associate Justice, United States Supreme Court

October 11, 2007

The Honorable Chuck Hagel

Senior Senator from Nebraska

April 29, 2009

The Honorable Jack B. Weinstein

United States District Court, Eastern District of New York

April 6, 2010

The Honorable Justice Sandra Day O'Connor (Ret.)

United States Supreme Court

HON. JUSTICE SANDRA DAY O’CONNOR (RET.)



Dane Penland, Smithsonian Institution, courtesy of the Collection of the Supreme Court of the United States.

Sandra Day O’Connor (Retired), Associate Justice, was born in El Paso, Texas, March 26, 1930. She married John Jay O’Connor III in 1952 and has three sons—Scott, Brian, and Jay. She received her B.A. and LL.B. from Stanford University. She served as Deputy County Attorney of San Mateo County, California from 1952 to 1953 and as a civilian attorney for Quartermaster Market Center, Frankfurt, Germany from 1954 to 1957. From 1958 to 1960, she practiced law in Maryvale, Arizona, and served as Assistant Attorney General of Arizona from 1965 to 1969. She was appointed to the Arizona State Senate

in 1969 and was subsequently reelected to two two-year terms. In 1975 she was elected Judge of the Maricopa County Superior Court and served until 1979, when she was appointed to the Arizona Court of Appeals. President Reagan nominated her as an Associate Justice of the Supreme Court, and she took her seat September 25, 1981. Justice O’Connor retired from the Supreme Court on January 31, 2006.

Biographical Data

Born March 26, 1930 in El Paso, Texas, daughter of Harry A. Day and Ada Mae Wilkey Day. Married John Jay O’Connor III in 1952. Three sons, Scott, Brian, and Jay.

Education

Stanford University, B.A., 1950 (with Great Distinction); LL.B., 1952, Order of the Coif, Board of Editors, *Stanford Law Review*.

Judicial Offices

Nominated by President Reagan as Associate Justice of the United States Supreme Court on July 7, 1981; confirmed by the United States Senate on September 22, 1981; and took oath of office on September 25, 1981.

Appointed to the Arizona Court of Appeals by Governor Bruce Babbitt and served from 1979 to 1981.

Elected judge of the Maricopa County Superior Court, Phoenix, Arizona, and served from 1975 to 1979.

Legislative Offices

Appointed State Senator in 1969 and subsequently reelected to two two-year terms, serving in the Arizona State Senate from 1969 to 1975; Senate Majority Leader in 1972–75; served as Chairman of the State, County, and Municipal Affairs Committee in 1972 and 1973; also served on the Legislative Council, on the Probate Code Commission and on the Arizona Advisory Council on Intergovernmental Relations.

HON. JUSTICE SANDRA DAY O’CONNOR (RET.) (CONTINUED)

Legal Positions

Deputy County Attorney, San Mateo County, California, 1952 to 1953, Civilian Attorney for Quartermaster Market Center, Frankfurt, Germany, 1954 to 1957; private practice of law in Maryvale, Arizona, 1958 to 1960; Assistant Attorney General, Arizona, 1965 to 1969.

Civic Activities

Member, Executive Board, ABA Central European and Eurasian Law Initiative, 1990–present; member, Board of Trustees, Rockefeller Foundation, 2006–present; Chancellor, College of William and Mary, 2005–present; member, Advisory Board, Smithsonian National Museum of Natural History, 2006–present; member, ABA Commission on Civic Education and Separation of Powers, 2005–present; member, Executive Committee, ABA Museum of Law, 2000–present; member, Advisory Commission, ABA Standing Committee on the Law Library of Congress, 2002–present; member, Advisory Committee, American Society of International Law, Judicial, 2001–present; honorary chair, America’s 400th Anniversary: Jamestown 2007, 2006–2007; co-chair, National Advisory Council, Campaign for the Civic Mission of Schools, 2005–present; member, Selection Committee, Oklahoma City National Memorial & Museum, 2005–2007; member, Advisory Board, Stanford Center on Ethics, 2005–present.

Other Activities

Member, Anglo-American Exchange, 1980; Chairman, Arizona Supreme Court Committee to Reorganize Lower Courts, 1974–1975; Chairman, Maricopa County Bar Association Lawyer Referral Service, 1960–1962; former member, State Bar of Arizona Committees on Legal Aid, Public Relations, Lower Court Reorganization, Continuing Legal Education; Chairman, Maricopa County Juvenile Detention Home Visiting Board, 1963–64; Chairman, Maricopa County Superior Court Judges’ Training and Education Committee, 1977–79; member, National Defense Advisory Committee on Women in the Services, 1974–76; member, Arizona State Personnel Commission, 1968–69; Vice Chairman, Arizona Select Law Enforcement Review Commission, 1979–80; member, Maricopa County Board of Adjustments and Appeals, 1963–64; member, Arizona Criminal Code Commission, 1974–76; Cathedral Chapter of the Washington National Cathedral, 1991–99.

Memberships in Professional Organizations

American Bar Association, State Bar of Arizona, State Bar of California, Maricopa County Bar Association, Arizona Judges’ Association, National Association of Women Judges, Arizona Women Lawyers’ Association.

KENNETH R. FEINBERG



Kenneth R. Feinberg is an attorney, and one of the nation's leading experts in mediation and alternative dispute resolution. A managing partner of Feinberg Rozen, LLP, Mr. Feinberg received his B.A. *cum laude* from the University of Massachusetts in 1967, and his J.D. from New York University School of Law in 1970, where he was Articles Editor of the *Law Review*. He was a Law Clerk for Chief Judge Stanley H. Fuld, New York State Court of Appeals, from

1970 to 1972; Assistant United States Attorney, Southern District of New York from 1972 to 1975; Special Counsel, United States Senate Committee on the Judiciary from 1975 to 1980; Administrative Assistant to Senator Edward M. Kennedy from 1977 to 1979; Partner at Kaye, Scholer, Fierman, Hays & Handler from 1980 to 1993; and founded the Feinberg Group, LLP in 1993.

Mr. Feinberg was appointed by the Secretary of the Treasury to serve as the Special Master for Executive Compensation, and by the Attorney General of the United States to serve as the Special Master of the Federal September 11th Victim Compensation Fund of 2001. In this capacity, he developed and promulgated the regulations governing the administration of the Fund, and administered all aspects of the program, including evaluating applications, determining appropriate compensation, and disseminating awards.

Mr. Feinberg was the Fund Administrator responsible for the design, implementation, and administration of the claims process for the Hokie Spirit Memorial Fund following the tragic shootings at Virginia Tech University.

Mr. Feinberg was also retained by Liberty Mutual Insurance Company and Zurich Insurance Company to design, implement, and administer an Alternative Dispute Resolution Program for resolving insurance claims arising out of Hurricane Katrina and other hurricanes in the Gulf region.

Mr. Feinberg was appointed Receiver in *New York State Common Retirement Fund v. 711 Third Avenue Associates* (New York Supreme Court Index No. 114250/97) to collect and receive all rents and profits of the mortgaged property and to enter into leases and terminate or continue any contracts necessary to protect the mortgaged properties.

In June 2007 Mr. Feinberg was appointed as the Distribution Agent in *United States Securities and Exchange Commission v. American International Group, Inc.*, responsible for the preparation and implementation of a plan for the distribution of a Fair Fund

of \$800 million to eligible claimants. He has also served as Fund Administrator in other prominent settlements including *United States of America v. Computer Associates International, Inc.*, wherein he was responsible for the design and administration of a \$275 million restitution fund; *International Air Transportation Surcharge Antitrust Litigation* (\$200 million fund); *Zyprexa Product Liability Litigation* (\$700 million settlement fund); and *Latino Officers Association City of New York, Inc., et al., v. The City of New York, et al.* (\$17 million settlement fund).

Mr. Feinberg has also been a Court-Appointed Special Settlement Master, mediator, and arbitrator in thousands of other disputes. He was one of three arbitrators selected to determine the fair market value of the original Zapruder film of the Kennedy assassination, and was one of two arbitrators selected to determine the allocation of legal fees in the Holocaust slave labor litigation.

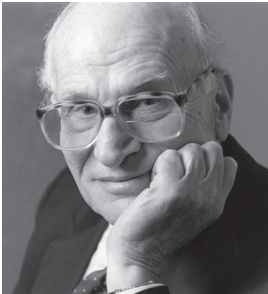
Mr. Feinberg was a member of the Presidential Advisory Commission on Human Radiation Experiments from 1994 to 1998; the Presidential Commission on Catastrophic Nuclear Accidents from 1989 to 1990; and the Carnegie Commission Task Force on Science and Technology in Judicial and Regulatory Decision Making from 1989 to 1993. He is currently a member of the National Judicial Panel, Center for Public Resources, and previously chaired the American Bar Association Special Committee on Mass Torts from 1988 to 1989. He is also a national arbitrator for the American Arbitration Association.

Mr. Feinberg is Vice-Chairman of the Board of Human Rights First, and is a member of the Board of the Bazelon Center for Mental Health Law. He is currently President of the Washington National Opera, and is President-elect of the John F. Kennedy Library.

Mr. Feinberg has had a distinguished teaching career as Adjunct Professor of Law at the Georgetown University Law Center, University of Pennsylvania Law School, New York University School of Law, the University of Virginia Law School, and Columbia Law School. He has also taught as a visiting lecturer at UCLA Law School, Vanderbilt Law School, New York Law School, and Duke Law School.

Mr. Feinberg was designated “Lawyer of the Year” by the *National Law Journal* (December, 2004). He is listed in the “Profiles in Power: The 100 Most Influential Lawyers in America” (*National Law Journal*, May 2, 1988; March 25, 1991; April 4, 1994; June 12, 2000; June 19, 2006). He is the author of numerous articles and essays on mediation, mass torts, and other matters, and is the author of *What is Life Worth? The Unprecedented Effort to Compensate the Victims of 9/11* (Public Affairs, 2005).

SIDNEY SHAINWALD



If every man is the architect of his character, then Sidney Shainwald was a master builder: a man of great integrity, humor, intellect, charm, and kindness, with a lifelong commitment to social justice. Sidney was a rare individual—a man of many accomplishments who not only conceived and discussed ideals, but strove throughout his life to see that those ideals became realities.

Although Sidney had several distinguished and successful careers during his life, for almost fifty years he was associated with Consumers Union (CU). He viewed the consumer movement as a powerful force for the benefit of the economically and socially disadvantaged. Sidney said it best:

Consumers Union was never really just a job; it always was, and always will be, a way of life with me. As far back as my college days, I was interested in Consumers Union not only as an organization for which I worked, but as the major force in the consumer movement. I am pleased to have had the opportunity to serve Consumers Union. I would like to think that I have made some contribution to its growth, direction, and policies.

For Sidney, social justice was the desired result; Consumers Union was the mechanism through which to achieve it. It was much more than a magazine: it was a movement for change.

From the beginning, CU was interested in the economic problems of consumers. The charter had taken a multi-disciplinary approach to the assessment of technology; the reason for the birth of the organization was both scientific and social. The founders of the organization believed that product testing was a means to organize consumers to promote their welfare. CU's goal was not merely to evaluate products, but to "initiate, to cooperate with, and to aid group efforts of whatever nature—seeking to create and maintain decent living standards for ultimate consumers."

As Sidney later wrote:

The CU then is not to be confused with the CU of today. There were 148 subscribers, 10 staff members whose weekly salary totaled \$100, 350 square feet of office space, and a devoted Board of Directors. From its inception, CU's Board and staff

were composed of idealists and iconoclasts. Divisiveness was exacerbated by financial difficulties, necessitating a constant interplay among the Board, the management, and staff on daily policy matters.

The problems were many; the rewards hardly ensured. Sidney tested suntan lotion on the roof of CU's office, brought home toothpaste for his family to rate, and staffed the CU exhibit at the 1939 World's Fair. He was a visionary, who wrote his thesis in 1939 entitled *Consumer Products Testing Organizations: A Comparative Analysis*, the first such study ever done.

After passing his CPA exam and serving in the South Pacific, where he taught math to his fellow soldiers and edited the newspaper, Sidney became a partner in a public accounting firm—sharing his desk and political views with I.F. Stone. Deeply committed to the arts, he represented some of the greatest artists and entertainers of the twentieth century, including Marc Chagall, Jacques Lipschitz, Naum Gabo, George Grosz, Peggy Guggenheim, Mike Todd, Zero Mostel, David Merrick, Albert and Mary Lasker, Josh Logan, Dinah Shore, Eddie Albert, London Film Productions, Tricolor Films Ltd, Magnum Photos, and the Palestine Economic Corp. He was also the accountant for, and astute investor in, several shows and movies, including *Fanny*, *The Bells are Ringing*, and *Around the World in Eight Days*.

CU had always been Sidney's client, and in 1960, when asked to work full-time, he left his accounting practice in order to proselytize the only gospel he cared about: social justice. He was an Interim Executive Director, Associate Director, an ex-officio member of the Board of Directors, CU's liaison to the Consumer Association of Canada, representative to the Consumer Federation of America and a delegate to the International Organization of Consumers. From Holland to Hong Kong, he gave speeches and presented papers to budding and burgeoning consumer organizations which he visited worldwide. As CU continued to grow through the years, the *Chicago Tribune* noted that "Sidney Shainwald, CU's financial brains since the year after its founding in 1936, said circulation of *Consumer Reports* reached a peak of 2 million in 1974."

During Sidney's tenure, CU established three advocacy offices, became involved in the environmental movement, launched *Penny Power*, a magazine for children, fostered educational efforts, and was instrumental in launching the American Council on Consumer Interests. All the while the organization continued to expand its interest and considerable resources on vital economic, social, and health issues.

Consumerism has become a household word, and CU, which has been termed a unique social invention, is now inextricably woven into the fabric of society. Some seventy-four years after its founding in 1936, Consumers Union is the only social reform organization born in the Depression that has survived. At the time of Sidney's retirement, the American prototype had been copied in over forty-six countries. Today IOCU is known as Consumers International and has a membership of over 250 organizations in 115 countries. Its mission is to promote a fairer society by protecting the rights of all consumers especially the poor, marginalized, and disadvantaged.

In 1980, Sidney paid tribute to the founding president of CU, with whom he worked for more than forty years. He spoke on behalf of the staff: "If Consumers Reports were to make a product evaluation of Colston Warne, it might read something like this: A unique model, a once-in-a-lifetime production, exceedingly efficient. . . . Definitely top-rated and the best buy ever." The same can be said for Sidney Shainwald.

It is a great privilege to have the Honorable Justice Sandra Day O'Connor (Ret.) as the 2010 Sidney Shainwald Public Interest Lecturer.

our courts a project of iCivics

our courts & icivics

Spearheaded by Justice Sandra Day O'Connor, Our Courts is a web-based education project designed to reinvigorate civics teaching and learning. Our Courts features free lesson plans, interactive modules, and games. With these tools, Our Courts will help empower the first generation of 'digital natives' to become knowledgeable civic participants and leaders. In 2009, iCivics Inc. was founded to continue development of the Our Courts civics education project.

online lessons & games

Our Courts lesson plans and games are designed for classroom use to meet specific national and state standards. They are written and vetted by master classroom teachers and are searchable by standards in every state.

Ourcourts.org games include:



- **SUPREME DECISION:** Students are introduced to the process of judicial reasoning as they play a clerk to a justice of the Supreme Court, and help decide a case about a student's rights in school.
- **DO I HAVE A RIGHT?:** Players run a constitutional law firm and explore the Bill of Rights to give legal advice to their clients. As they master new rights, their firm grows and they can take more and more cases.
- **ARGUMENT WARS:** This game allows players to debate historical Supreme Court cases by advancing arguments and sound supports.



future vision

Our Courts is expanding! Our goal is to provide comprehensive interactive resources for students and teachers on a range a topics. The following are curricular modules currently under development.

Balance of Power

Games and lesson plans will teach about the specific powers of each branch of government, and simulate their checks and balances as applied to specific issues.

Foundations of Government

This module will reveal the foundations of government and its basic functions. The central game will allow students to craft their own government and draft a Constitution for it.

Civic Engagement

This module will feature a game that demonstrates different types of citizen action on the local, state, and national level as students progress from single-person change-maker to national organizer.

PUBLIC INTEREST PROJECTS

In conjunction with the Justice Action Center, students and faculty at the Law School engage in several ongoing public interest projects. These include:

The Economic Justice Project

Faculty Director: Richard D. Marsico

Direct Link: www.nyls.edu/ejp

The Economic Justice Project (EJP) is dedicated to promoting economic development in traditionally underserved communities. Through its publications and Web site, the EJP provides information and data about bank lending, investment, and services that is designed to allow community groups, lenders, and government officials to evaluate whether banks and other lending institutions are meeting the credit needs of their communities.

The International Mental Disability Law Reform Project

Faculty Director: Michael L. Perlin

Program Administrator: Liane J. Bass

Direct Link: www.nyls.edu/mdl

The International Mental Disability Law Reform Project promotes a wide range of advocacy initiatives in Europe, South America, Asia, and Africa. It is involved in legislative reform, lawyer and law student training, pro bono legal assistance, and the full range of law reform projects that relate to the practice of mental disability law in other nations. Currently, the project is working in collaboration with the Tokyo Advocacy Law Office in efforts to create a Disability Rights Tribunal for Asia and the Pacific. This project is also closely related to the online, distance learning Mental Disability Law program that now offers nine separate courses in all aspects of mental disability law to New York Law School students, to students at other domestic law schools, and to practicing lawyers, mental health professionals, advocates, and activists. Sections of these courses have been offered in the past in Nicaragua and Japan, and new partnerships are currently in development to offer other courses in Japan, China, and East Africa.

The Racial Justice Project

Faculty Director: Deborah N. Archer

Direct Link: www.nyls.edu/rjp

The Racial Justice Project is a legal advocacy organization dedicated to protecting the constitutional and civil rights of people who have been denied those rights on the basis of race and to increase public awareness of racism and racial injustice in the areas of education, employment, political participation, and criminal justice. The Racial Justice Project's advocacy includes litigation, training, and public education.

The Safe Passage Immigration Project

Faculty Co-directors: Lenni B. Benson and Lindsay A. Curcio

Direct Link: www.nyls.edu/immigration

Each year, thousands of children enter the United States alone, seeking refuge from abuse and maltreatment. Others migrate to the United States with parents who are unable or unwilling to care for them, and end up in foster care. None are entitled to immigration counsel at government expense. Many are eligible for asylum. Others may qualify for Special Immigrant Juvenile status, which allows unaccompanied minors to become permanent residents. The Justice Action Center's Safe Passage Immigration Project works with attorneys and law students to provide pro bono services to juveniles.

The Sidney Shainwald Public Interest Lecture

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